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PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

CHRISTOPHER KORTLANDER,

Plaintiff,

vs.

**BUREAU OF LAND MANAGEMENT, and
DEPARTMENT OF THE INTERIOR, and
RYAN ZINKE, in his official capacity of
Secretary of the Interior,**

Defendants.

CV 18-162-BLG-BMM-JTJ

PLAINTIFF'S STATUS REPORT

The Plaintiff having corresponded with Defendant's counsel without resolution
does submit the following:

Last November (2019) Plaintiff filed a status report (Doc#27) in this matter challenging the assertion that the Defendant United States through the Bureau of Land Management has provided adequate responsive documents to Plaintiff as required by statute and the order of this Court. Recent telephone conversations with Defendant's council show that no agreement as to the facts of Defendant's document release exists and thus Plaintiff submits this, its own status report.

It should be noted that the man who is the subject of this FOIA request is over three years dead and federal concern about scrutiny regarding people, places, and methods are stale or irrelevant at this time. Rather than providing transparency into our federal government FOIA is being used to shield an agency and federal agents from badly needed public scrutiny.

Despite the assertion of Defendant's counsel, the best evidence of what has been provided was stated by the last transmittal letter of the BLM (Doc #27-2) The number of pages released by the BLM is declared and

simple addition concludes that only 8227 document have been reviewed and released (677 + 245 + 70 + 5 + 3579 + 18 + 1106 + 2572 = 8227pages) with only a few only a view hundred released unredacted.

A review of Plaintiff's previous status report (Doc#27) will demonstrate that there are 10s of thousands of potentially responsive files that exist however, in its rush to complete its responsive filing within the time frame ordered by this court that these additional documents where irrelevant and duplicitous without ever identifying said documents by index or otherwise. Again the bureaucratic equivalent of "trust me" comes to mind in the BLM letter. The correct standard for FOIA is better stated 'Trust, But Verify'.

Appeal: In its cover letter the BLM provided its form letter appeal rights statement. In it there are several options listed, the last being to file an action in Federal Court. What the BLM letter fails to acknowledge is that this matter is already in federal court and that the BLM is under an Order of this Court to provide the documents

requested in the FOIA request on a time table that was not met. Plaintiff believes that BLM assertion of appeal rights is erroneous and misleading, intended only to divert Plaintiff into a further bureaucratic morass of administration malaise. This Court already has jurisdiction in this case with all remedies at its disposal for resolving the failures of the Defendant BLM to respond sufficiently, if at all, to Plaintiff's FOIA request.

What has been provided is not indexed in anyway. No table of contents is provided. I defy this court to garner any intelligible information from the released documents. Without index – specifically a Vaugh Index – this Court cannot review and rule on the sufficiency of Defendants compliance with the law. Turning these documents over to the Plaintiff without any contextual reference -- unlike what is not what is in place for the internal use of the agency and its agents, -- only thwarts the purpose of FOIA.

Prayer:

As requested in Plaintiff's status report of November, 2019, (Doc#27)

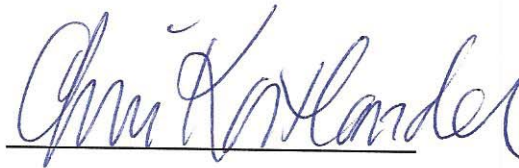
Plaintiff prays that this Court order summary judgement in favor of Plaintiff; and

1) Defendant be ordered to produce a Vaughn Index of all files and documents which are the subject of this FOIA request, to the Court; and

2) Defendant ordered to deliver ALL documents and files (un-redacted) to this Court for review and for the resolution of all claimed exemptions asserted by Defendant; and

3) For such further relief as the Court deems to be just and equitable.

DATED this 18th day of June, 2020.

A handwritten signature in blue ink, reading "Chris K. Hander", is written over a horizontal line.

Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2020, a copy of the foregoing document was served on the Clerk of the Court by E-Mail

A handwritten signature in blue ink, appearing to read "Ch. K. Hale", is written over a horizontal line.

Plaintiff